



## INTERIOR BOARD OF INDIAN APPEALS

Gene Hunt v. Acting Aberdeen Area Director, Bureau of Indian Affairs

28 IBIA 57 (06/08/1995)

Related Board cases:

27 IBIA 173

28 IBIA 283

28 IBIA 288

31 IBIA 8



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

GENE HUNT,	:	Order Dismissing Appeal
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 94-53-A
ACTING ABERDEEN AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	June 8, 1995

Appellant Gene Hunt sought review of a December 9, 1993, decision issued by the Acting Aberdeen Area Director, Bureau of Indian Affairs (Area Director), concerning the allocation of certain range units on the Cheyenne River Sioux Reservation. This appeal has been stayed since April 28, 1994, because appellant had filed a Chapter 12 bankruptcy petition. The stay was issued prior to any briefing in this appeal.

On February 9, 1995, the Board decided nine appeals from similar decisions issued by the Area Director. Hunt v. Aberdeen Area Director, 27 IBIA 173. This decision affirmed the Area Director's decisions.

The Board was subsequently informed by the Department's Field Solicitor's Office in Twin Cities, Minnesota, that, to the best of their belief and knowledge, appellant's bankruptcy proceeding had been adjudicated on the merits, but was still pending on the bankruptcy court's docket in order to ensure compliance with the agreement reached. By order dated April 5, 1995, the Board gave appellant until May 12, 1995, in which to show cause why the stay in this appeal should be continued. Appellant was informed that if he showed cause, the stay would be continued; if he failed to show cause, he would be given an opportunity to brief his appeal, and would be required to show why his appeal should not be governed by the decision in Hunt, and if he failed to respond, this appeal would be dismissed for lack of prosecution.

Appellant has not responded.

Accordingly, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the Aberdeen Area Director's December 9, 1993, decision is dismissed for lack of prosecution.

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Kathryn A. Lynn  
Chief Administrative Judge

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//original signed  
Anita Vogt  
Administrative Judge